

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DANIEL R. JOSEPH

Examiner: Joseph S. Del Sole

Serial No.: 09/829,084

Art Unit: 1722

Filed: April 9, 2001

For: METHOD AND APPARATUS FOR AUTOMATIC CONTROL OF CAGE  
SIZE IN AN EXTRUDED FILM PRODUCTION LINE

PETITION TO ACCORD FILING DATE TO PETITION TO REVIVE

Dear Sir:

Applicant hereby petitions to accord a filing date to a Petition to Revive and Response for failure by the United States Patent and Trademark Office (USPTO) to receive a timely response from Applicant to the final Office Action dated April 20, 2005, pursuant to MPEP 711.03(c) II and 37 C.F.R. § 1.181.

The below-named practitioner has recently received Applicant's files from his previous attorney and, upon examination of the file, requests withdrawal of the abandonment for the following reasons:

The timeline of the documents in the file show the following:

- 1) 2005/11/04 This application was abandoned unintentionally through failure to receive or associate a response to the Office Action mailed April 20, 2005, and an official Notice of Abandonment was mailed on November 7, 2005.  
03/01/2010 CKHLUK 00000023 502180 09829084  
01 FC:2453 810.00 DA  
02 FC:2801 405.00 DA
- 2) 10/09/2007 A "Preliminary Amendment and Response to Office Action" (Action mailed April 20, 2005), which also requests continued examination on page 1, and an

Applicant respectfully requests that the Amendment and Response, and the accompanying request to revive, mailed October 9, 2007, be accorded a filing date, reviewed and granted, and that this Petition be GRANTED.

Conclusion

This Petition is being requested under MPEP 711.03(c) and 37 C.F.R. § 1.181 for which no fee is required. However, in the event that a fee is due to further the prosecution of this Application, the Commissioner is hereby authorized to charge any required fees due, and to credit any overpayment made, in connection with the filing of this paper to Deposit Account 50-2180 of Storm LLP.

Should Examiner require any further clarification regarding this Application, Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

Dated: June 12, 2009  
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